



# MIAMI BEACH

## Special City Commission Meeting

City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive

September 26, 2007

Mayor David Dermer  
 Vice-Mayor Matti Herrera Bower  
 Commissioner Simon Cruz  
 Commissioner Michael Góngora  
 Commissioner Saul Gross  
 Commissioner Jerry Libbin Absent  
 Commissioner Richard L. Steinberg

City Manager Jorge M. Gonzalez  
 City Attorney Jose Smith  
 City Clerk Robert E. Parcher

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### ATTENTION ALL LOBBYISTS

**Chapter 2, Article VII, Division 3 of the City Code of Miami Beach entitled "Lobbyists" requires the registration of all lobbyists with the City Clerk prior to engaging in any lobbying activity with the City Commission, any City Board or Committee, or any personnel as defined in the subject Code sections. Copies of the City Code sections on lobbyists laws are available in the City Clerk's Office. Questions regarding the provisions of the Ordinance should be directed to the Office of the City Attorney.**

*Special note: In order to ensure adequate public consideration, if necessary, the Mayor and City Commission may move any agenda item to the alternate meeting date which will only be held if needed. In addition, the Mayor and City Commission may, at their discretion, adjourn the Commission Meeting without reaching all agenda items.*

### ***Times based on the digital recording in the City Clerk's Office.***

- C7A Adopt/Appropriate Funds, FY 2007/08 Police Special Revenue Account Budget, \$29,000.
- C7B Adopt/Appropriate Funds, FY 2007/08 Police Confiscation Trust Fund Budget, \$186,000
- C7C Adopt/Appropriate Funds, FY 2007/08 Police Training Trust Fund Budget, \$41,600.
  
- R5A **1<sup>st</sup> Rdg**, Implement Provisions, 2006-2009 Collective Bargaining Agmt w/ CWA & AFSCME.
- R5B **1<sup>st</sup> Rdg**, Amend Monthly Municipal Parking Permit Rates & Special Event Flat Rates.
- R5C **1<sup>st</sup> Rdg**, Schedule of Water Rates & Tapping Charges.
- R5D **1<sup>st</sup> Rdg**, Amend Permit Fees.
  
- R7A1 **5:01 p.m. 2<sup>nd</sup> Rdg**, Adopt FY 2007/08 Ad Valorem Millage Rate.
- R7A2 **5:01 p.m. 2<sup>nd</sup> Rdg**, Adopt FY 2007/08 Operating Budgets, Gen./Enterprise & Internal Service.
- R7B1 **5:02 p.m. 2<sup>nd</sup> Rdg**, Adopt Millage Rate, Normandy Shores Local Government FY 2007/08.
- R7B2 **5:02 p.m. 2<sup>nd</sup> Rdg**, Adopt Operating Budget, Normandy Shores Local Gov. FY 2007/08.
- R7C Adopt FY 2007/08 Appropriation of \$3,266,096, Capital Renewal/Replacement Fund Budget.
- R7D **Joint**, Appropriate FY 2007/08 City & RDA Capital Budget, Adopt Capital Improvement Plan.
- R7E Adopt FY 2007/08 Budgets, Resort Tax; 7th St. Garage; South Pointe & Bass Museum.
- R7F Authorize Administration to Charge Customers for Online Lien Searches.
- R7G Amend Resolution No. 2002-24995, User Rates for Miami Beach Golf Club.
- R7H **5:03 p.m.** Raise Franchise Fee Paid to the City by its Franchise Waste Contractors.
- R7I Appropriate FY 2006-07 PTP Funds, Bi-Directional Transit Circulator Route Service.
- R7J Adopt Miami Beach Cultural Arts Council's FY 2007/08 Budget.
- R7K Approve Cultural Arts Council's Funding Recommendations for FY 2007/08.
- R7L Approve Miami Beach Visitor & Convention Authority (VCA) FY 2007/08 Budget.

- R7M Establish User Fees for Light Pole Banners.  
R7N **5:00 p.m. 2<sup>nd</sup> Rdg**, Evaluation & Appraisal Report of the City's Comprehensive Plan.
- R9A Discuss Possible Settlement of: Zachary Charles Breaux, Deceased Vs. CMB.
- 1A Adopt FY 2007/08 Operating Budget - City Center, Anchor Shops & Parking Garage.  
1B **Joint**, Appropriate FY 2007/08 City & RDA Capital Budget, Adopt Capital Improvement Plan.

Meeting called to order at 5:15:10 p.m.

### **CONSENT AGENDA**

**ACTION:** Motion made by Commissioner Steinberg to approve the Consent Agenda; seconded by Commissioner Góngora; Voice vote: 6-0; Absent: Commissioner Libbin.

### **C7 - Resolutions**

**5:15:33 p.m.**

- C7A A Resolution Adopting And Appropriating Funds For The Fiscal Year 2007/08 Police Special Revenue Account Budget In The Amount Of \$29,000, Such Account Funded By Unclaimed Evidence Currently Held In The Police Special Revenue - Account.  
(Police Department)

**ACTION: Resolution No. 2007-26646 adopted.** Motion made by Commissioner Steinberg; seconded by Commissioner Góngora. Motion passed without objection; Absent: Commissioner Libbin. Patricia Walker to appropriate the funds. **Chief Noriega to handle.**

- C7B A Resolution Adopting And Appropriating Funds For The Police Confiscation Trust Fund Budget For Fiscal Year 2007/08 In The Amount Of \$186,000 To Be Funded From The Proceeds Of State Confiscated Funds.  
(Police Department)

**ACTION: Resolution No. 2007-26647 adopted.** Patricia Walker to appropriate the funds. **Chief Noriega to handle.**

- C7C A Resolution Adopting And Appropriating Funds For The Fiscal Year 2007/08 Police Training Trust Fund Budget In The Amount Of \$41,600.  
(Police Department)

**ACTION: Resolution No. 2007-26648 adopted.** Patricia Walker to appropriate the funds. **Chief Noriega to handle.**

### **End of Consent Agenda**

**REGULAR AGENDA****R5 - Ordinances****5:16:21 p.m.**

- R5A An Ordinance Implementing Provisions Of The 2006-2009 Collective Bargaining Agreement Between The City And The Communications Workers Of America Local 3178; Implementing Provisions Of The 2006-2009 Collective Bargaining Agreement Between The City And AFSCME; And Implementing A 2007 Memo Of Understanding Between The City And GSA; Amending The Miami Beach Employees' Retirement Plan Created By Ordinance 2006-3504, As Subsequently Amended; Amending Section 5.12 Concerning The Early Retirement Incentive Program; Providing For Severability; Repealing All Ordinances In Conflict Therewith; And Providing An Effective Date.. **First Reading.**  
(Labor Relations)

**ACTION: Ordinance approved on First Reading.** Motion made by Commissioner Góngora; seconded by Vice-Mayor Bower; Ballot vote: 6-0; Absent: Commissioner Libbin. Second Reading and public hearing scheduled for October 17, 2007. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. **Linda Gonzalez to handle.**

**5:17:48 p.m.**

- R5B An Ordinance Amending The Code Of The City Of Miami Beach, By Amending Chapter 106, "Traffic And Vehicles" Article II, "Metered Parking" By Amending Sections 106-55, "Parking Rates, Fees, And Penalties; Amending Monthly Municipal Parking Permit Rates; And Special Event Flat Rates, Providing For Repealer, Severability, And An Effective Date. **First Reading.**  
(Parking Department)

**ACTION: Ordinance approved on First Reading.** Motion made by Commissioner Steinberg; seconded by Commissioner Góngora; Ballot vote: 6-0; Absent: Commissioner Libbin. Second Reading and public hearing scheduled for October 17, 2007. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. **Saul Frances to handle.**

Commissioner Gross stated that they have received letters from convention groups stating that this will negatively affect their attendance and asked the City Manager for his opinion.

Jorge Gonzalez, City Manager, stated that it is hard to predict, but what the Administration is trying to do with the parking rates, particularly in the highest peak areas of utilization, is trying to stay close to the market. The City's rates are not anywhere near the market rates. He explained that there was a \$5 increase about two years ago and there is no evidence that the attendance decreased; actually, it increased in some of the shows. The hurricanes, two years ago, affected some of the shows and the overall economy of convention business in the area, but Art Basel has gone up and the Boat Show did well last year also as compared to previous years. He stated that this is not the only factor that affects attendance.

Commissioner Gross asked what percentage of the income generated from the increase is attributable to the P-Lot.

Jorge Gonzalez, City Manager, stated that the P-Lot represents approximately \$500,000 and the overall increase will be \$1.2 million or \$1.3 million or about one-third; and this is expected to increase with the increased activity at the Fillmore Miami Beach.

Robert Parcher, City Clerk, stated that the ordinance was distributed at the dais.

**5:26:29 p.m.**

R5C An Ordinance Amending Chapter 110 Of The Miami Beach City Code Entitled "Utilities," By Amending Article II Entitled "Water," By Amending Division 1, Entitled "Generally," By Amending Sections 110-39 (E) And (G) Entitled "Metered Water Supply Service," By Amending Section 110-42 (B), Entitled "Turning On And Shutting Off," And By Amending Section 110-43 (C), Entitled "Leaks And Waste," To Provide For Fee Schedules In Appendix A Entitled "Fee Schedule," And Amending Appendix A To Create Fee Schedules Therefor And New Fees For Meter Tampering; Amending Article IV, Entitled "Fees, Charges, Rates And Billing Procedure," By Amending Division 2, Entitled "Rates, Fees And Charges," By Amending Section 110-166, Entitled "Schedule Of Water Rates And Tapping Charges," By Amending Subsections (F), (G), (H), And (I) Thereof To Provide Additional Water Meter Fees And Amending Appendix A, Entitled "Fee Schedule," To Create Fees - Therefore And To Increase The Sanitary Sewer Service Charge Imposed By The City Pursuant To Sections 110-166 (A) And (B) And 110-168 (A), And Amending Section 110-192, Entitled "Delinquent Accounts; Payment Of Collection Costs And Attorney Fees; Creation Of Liens," Of Division 3, Entitled "Billing Procedures," By Amending Subsections 110-192 (B) To Provide For A Fee Schedule In Appendix A, Entitled "Fee Schedule," And By Amending Appendix A To Create Fee Schedule Therefore, Providing For Codification, Repealer, Severability, And An Effective Date. **First Reading**

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(Public Works)

**ACTION: Ordinance approved on First Reading.** Motion made by Commissioner Cruz; seconded by Commissioner Góngora; Ballot vote: 6-0; Absent: Commissioner Libbin. Second Reading and public hearing scheduled for October 17, 2007. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. **Fred Beckmann to handle.**

**5:35:14 p.m.**

R5D An Ordinance Amending The Code Of The City Of Miami Beach, By Amending Chapter 98, "Streets And Sidewalks," Article III "Excavations" Division 2, "Permit," Section 98-92, "Application; Amount Of Deposit; Use Of Deposit To Replace Surface; Permit Fees"; By Specifically Amending Appendix "A" Section 98-92 (C) Thereof; Said Amendment Modifying Permit Fees To An Increase Of Twenty Five (25%) Percent, Following City In-House Survey Of Fees For Similar Services In Surrounding County/Municipalities; Providing For Repealer, Codification, Severability And An Effective Date. **First Reading.**

(Public Works)

**ACTION: Ordinance approved on First Reading.** Motion made by Commissioner Gross; seconded by Commissioner Góngora; Ballot vote: 6-0; Absent: Commissioner Libbin. Second Reading and public hearing scheduled for October 17, 2007. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. **Fred Beckmann to handle.**

### **R7 – Resolutions**

**5:36:35 p.m.**

R7A1 A Resolution Adopting: 1) The Final Ad Valorem Millage Of 5.6555 Mills For General Operating Purposes, Which Is Nine Percent (9%) Less Than The "Rolled-Back" Rate Of 6.2212 Mills; And 2) The Debt Service Millage Rate Of 0.2415 Mills For Fiscal Year (FY) 2007/08. **5:01 p.m. Second Reading, Public Hearing.**

(Budget & Performance Improvement)

(First Reading on September 17, 2007)

**ACTION: Title of the resolution read into the record. Public hearing held. Resolution No. 2007-26649 adopted.** Motion made by Commissioner Steinberg; seconded by Vice-Mayor Bower; Voice vote: 6-0; Absent: Commissioner Libbin. **Kathie Brooks to handle.**

Handout or Reference Materials:

1. Ad in The Miami Herald on 9/23/07 page # 42

**5:37:15 p.m.**

R7A2 A Resolution Adopting Final Operating Budgets For The General, RDA, Ad Valorem Taxes, Enterprise, And Internal Service Funds For Fiscal Year 2007/08. **5:01 p.m. Second Reading, Public Hearing.**

(Budget & Performance Improvement)

**ACTION: Title of the resolution read into the record. Public hearing held. Resolution No. 2007-26650 adopted.** Motion made by Commissioner Steinberg; seconded by Commissioner Bower; Voice vote: 6-0; Absent: Commissioner Libbin. **Kathie Brooks to handle.**

**5:38:15 p.m.**

Jorge Gonzalez, City Manager, informed that at the last meeting the direction was to reinstate the lifeguard stand that was being recommended for removal in North Beach. The lifeguard stand was reinstated at an increase of \$125,000 and the resort tax contingency line item was reduced by the same amount. This is an eligible resort tax expense, but there will be less money in the contingency account for emergencies during the year. There are no other changes.

**6:26:43 p.m.**

Jorge Gonzalez, City Manager, stated that this year's budget has been the most challenging budget he has seen during his tenure. He explained that the adopted budget will accomplish a lot of good things to improve the quality of life and provide public safety among to residents. This process started early on during Commission Retreats, providing guidance to the Administration, and continued to the Management Team. He recognized the Finance Department and the Budget Office's staff; Patricia Walker, CFO, Kathie Brooks, Director, Jose Cruz, Bill Gonzalez, Carmen Carlson, Joe Reilly, Sailyn Christiansen, Ramon Suarez, Nadine Lindsay, Sara Patino, Isabel Stillone and Jorge Fraga. He announced that Joe Reilly, after 22 years of service, is retiring and thanked him for his effort during those 22 years. He thanked Mayor Dermer for his contributions during past years, for setting the City under a fiscally prudent path and congratulated him on his ten years tenure with the City.

Mayor Dermer commended the City Manager for instituting a process that works well and added that the City has been very lucky with the revenue growth. He added that this Commission has planned for the future by increasing the reserves for when the City may not be as fortunate as it has been in the past few years. He still believes that giving money back to the taxpayers over the past two years has been very good. He added that there will be great challenges for the new Mayor, Commission and the City Manager for the future. He stated that the City Manager's negotiations on the Interlocal Agreements have been outstanding to the City's benefit. He hopes that this course can continue and that the future of the City will be towards doing the right thing.

Handout or Reference Materials:

1. Ad in The Miami Herald on 9/23/07 page # 42
2. Memorandum from Commissioners Richard L. Steinberg, Chair of the Commission Committee for Oversight of the City Attorney's Office, Matti Herrera Bower and Saul Gross to Mayor Dermer and Members of the City Commission, dated September 26, 2007, RE: CITY ATTORNEY'S OFFICE AS TO PROPOSED SALARIES 2007/2008.

**5:39:37 p.m.**

R7B1 A Resolution Of The Board Of Directors Of The Normandy Shores Local Government Neighborhood Improvement District Adopting The Final Ad Valorem Millage Of 1.0363 Mills For Fiscal Year (FY) 2007/08 For The Normandy Shores Local Government Neighborhood Improvement District, Which Is Two Hundred Sixty-Six And Six Tenths Percent (266.6%) Greater Than The "Rolled-Back" Rate Of 0.2827Mills. **5:02 p.m. Second Reading, Public Hearing.**

(Budget & Performance Improvement)

(First Reading on September 17, 2007)

**ACTION: Title of the resolution read into the record. Public hearing held. Resolution No. 2007-26651 adopted.** Motion made by Vice-Mayor Bower; seconded by Commissioner Góngora; Voice vote: 6-0; Absent: Commissioner Libbin. **Kathie Brooks to handle.**

Handout or Reference Materials:

1. Ad in The Miami Herald on 9/23/07 page # 42

**5:40:43 p.m.**

R7B2 A Resolution Of The Board Of Directors Of The Normandy Shores Local Government Neighborhood Improvement District Adopting The Final Operating Budget For Fiscal Year 2007/08. **5:02 p.m. Second Reading, Public Hearing.**

(Budget & Performance Improvement)

(First Reading on September 17, 2007)

**ACTION: Title of the resolution read into the record. Public hearing held. Resolution No. 2007-26652 adopted.** Motion made by Vice-Mayor Bower; seconded by Commissioner Góngora; Voice vote: 6-0; Absent: Commissioner Libbin. **Kathie Brooks to handle.**

Handout or Reference Materials:

1. Ad in The Miami Herald on 9/23/07 page # 42

**5:41:16 p.m.**

R7C A Resolution Adopting The Annual Fiscal Year (FY) 2007/08 Appropriation For The Capital Renewal And Replacement Fund Budget, In The Amount Of \$3,266,096

(Budget & Performance Improvement)

**ACTION: Resolution No. 2007-26653 adopted.** Motion made by Commissioner Steinberg; seconded by Commissioner Góngora; Voice vote: 6-0; Absent: Commissioner Libbin. Patricia Walker to appropriate the funds. **Kathie Brooks to handle.**

**5:41:45 p.m.**

R7D A Resolution Appropriating The City Of Miami Beach And Miami Beach Redevelopment Agency Capital Budget For Fiscal Year 2007/08 And Adopting The Capital Improvement Plan For Fiscal Years 2007/08-2011/12. **Joint City Commission and Redevelopment Agency.**

(Finance Department)

**ACTION: Item heard in conjunction with RDA Item 1B. Resolution No. 2007-26654 adopted.** Motion made by Commissioner Cruz; seconded by Commissioner Steinberg; Voice vote: 6-0; Absent: Commissioner Libbin. Patricia Walker to appropriate the funds. **Kathie Brooks to handle.**

**5:42:16 p.m.**

- R7E A Resolution Adopting Fiscal Year (FY) 2007/08 Budgets For Special Revenue Funds For Resort Tax; The 7th Street Garage Operations; South Pointe Capital Renewal And Replacement; And The State Major Cultural Institution Grant For The Bass Museum.  
(Budget & Performance Improvement)

**ACTION: Resolution No. 2007-26655 adopted.** Motion made by Commissioner Góngora; seconded by Vice-Mayor Bower; Voice vote: 6-0; Absent: Commissioner Libbin. **Kathie Brooks to handle.**

**5:42:31 p.m.**

- R7F A Resolution Authorizing The Administration To Charge Customers \$50.00 For An Online Lien Search And \$75.00 For A Certified Lien Search In Which The Online Service Will Be Hosted By Conduits Reporting Services From Net Assets, And A Review Of These Fees Will Be Required Whenever The Change In The Consumer Price Index (CPI), Between The Latest CPI And The Date Of The CPI Used For The Last Fee Adjustment, Is Five Percent (5%) Or Greater.  
(Finance Department)

**ACTION: Resolution No. 2007-26656 adopted.** Motion made by Commissioner Steinberg; seconded by Commissioner Cruz; Voice vote: 6-0; Absent: Commissioner Libbin. **Patricia Walker to handle.**

**5:42:47 p.m.**

- R7G A Resolution Amending Resolution No. 2002-24995 Which Established The Current Maximum Schedule Of User Rates For The Miami Beach Golf Club; Said Amendment Modifying Only The Annual Resident Membership Rates And The Driving Range Fees.  
(Parks & Recreation)

**ACTION: Resolution No. 2007-26657 adopted.** Motion made by Commissioner Gross; seconded by Commissioner Cruz; Voice vote: 5-0; Absent: Commissioners Góngora and Libbin. **Kevin Smith to handle.**

David Sheffman spoke.

Gerald K. Schwartz spoke.

Alberto Pozzi, Manager of the facility for PCM, spoke.

**5:59:32 p.m.**

- R7H A Resolution Following A Duly Noticed Public Hearing And Thirty (30) Days' Prior Notice To The City's Franchise Waste Contractors, As Required Pursuant To Section 90-221 Of The City Code, Raising The Franchise Fee Paid To The City By Its Franchise Waste Contractors From The Current Fee Of Sixteen Percent (16%) Of The Franchisee's Total Monthly Gross Receipts For Waste Removal In The City, To Eighteen Percent (18%) Of Said Gross Receipts; With Said Raise To Become Effective On October 1, 2007.  
(Public Works)

**ACTION: Public hearing held. Resolution No. 2007-26658 adopted.** Motion made by Commissioner Steinberg; seconded by Vice-Mayor Bower; Voice vote: 5-0; Absent: Commissioners Góngora and Libbin. **Fred Beckmann to handle.**

Handout or Reference Materials:

1. Ad in The Miami Herald – Ad # 453

**6:02:26 p.m.**

R7I A Resolution Authorizing The Appropriation Of \$654,654 From The Fiscal Year (FY) 2006-07 People's Transportation Plan (PTP) Funds, \$470,828 From Concurrency Mitigation/South Beach Funds, And \$254,123 From The FY 2007-08 Parking Enterprise Budget, To Fund The \$1,379,605 Miami Beach Share Of The FY 2007-08 Operating Budget Of The South Beach Local, As Previously Authorized By Resolution No. 2005-25934, Dated June 8, 2005, Which Executed An Interlocal Agreement With Miami-Dade County For The Provision Of A Bi-Directional Transit Circulator Route Service In South Beach.

(Public Works)

**ACTION: Resolution No. 2007-26659 adopted.** Motion made by Commissioner Steinberg; seconded by Vice-Mayor Bower; Voice vote: 5-0; Absent: Commissioners Góngora and Libbin. Patricia Walker to appropriate the funds. **Fred Beckmann to handle.**

**6:03:13 p.m.**

R7J A Resolution Adopting The Miami Beach Cultural Arts Council's Fiscal Year 2007/08 Budget In The Amount Of \$1,045,372.

(Tourism & Cultural Development)

**ACTION: Resolution No. 2007-26660 adopted.** Motion made by Commissioner Steinberg; seconded by Commissioner Gross; Voice vote: 5-0; Absent: Commissioners Góngora and Libbin. **Max Sklar to handle.**

**6:05:49 p.m.**

R7K A Resolution Accepting The City Manager's Recommendation, And Approving The Cultural Arts Council's Funding Recommendations, And Awarding \$630,000 In Said Grants, For Fiscal Year 2007/08, As Identified In The Attached Exhibit "B"; And Further Authorizing The Mayor And City Clerk To Execute Said Grant Agreements, And Make The Award Of Said Grant Monies Subject To And Contingent Upon The Approval Of The Cultural Arts Council's Budget For The Fiscal Year 2007/08; And Further Approving The One-Time Rent Waiver Program For The Byron Carlyle Theater.

(Tourism & Cultural Development)

**ACTION: Resolution No. 2007-26661 adopted.** Motion made by Commissioner Gross; seconded by Vice-Mayor Bower; Voice vote 5-0; Absent: Commissioners Góngora and Libbin. Patricia Walker to appropriate the funds if approved and accepted. **Max Sklar to handle.**

Gail Thompson, Chairperson of the Cultural Arts Council, spoke.

Jimmy Resnick stated that he is requesting a grant for \$10,000 for the Holocaust Memorial.

**Motion made by Commissioner Steinberg to approve the item with the recommendation to the Administration to find the \$10,000; seconded by Commissioner Cruz. Discussion continued.**

Jorge Gonzalez, City Manager, stated that this is not a wise move because there is a process to be followed and clarified that to this day there is no application.

Commissioner Cruz stated that he was under the impression that the Holocaust Memorial did not have to apply every year and that this was a line item in the City's budget.

Jorge Gonzalez, City Manager, explained that there are cultural anchors such as the New World Symphony, the Jewish Museum, and the Bass Museum, and they all have to apply annually and

there is no automatic line item for anyone. He explained that in this case deadlines were missed.

Jimmy Resnick explained that they hired a grant writer for this grant. The grant writer worked closely with City staff but the grant was due during the Passover Holidays and she thought she had more time to do it; when she handed it was rejected because it was after the deadline.

Jorge Gonzalez, City Manager, suggested that if the grant request is for \$10,000, then half of it or \$5,000 is what the lower ranking groups received.

Mayor Dermer stated that he agrees with the City Manager and he is not supporting this. He will give a commitment that he will help them raise this money privately.

Commissioner Cruz stated that Mayor Dermer has a valid point, and he commits after the election to provide half of the amount that he is asking for from his campaign account. **He withdrew his second on the previous motion because it is a bad precedent. He assured Mr. Resnick that he will get the \$10,000.**

**Motion made by Commissioner Gross; seconded by Vice-Mayor Bower; Voice vote 5-0; Absent: Commissioners Góngora and Libbin.**

**6:16:40 p.m.**

R7L A Resolution Adopting And Approving The Miami Beach Visitor And Convention Authority (VCA) FY 2007/08 Budget In The Amount Of \$1,600,416.  
(Tourism & Cultural Development)

**ACTION: Resolution No. 2007-26662 adopted.** Motion made by Vice-Mayor Bower; seconded by Commissioner Gross; Voice vote 4-0; Absent: Commissioners Góngora, Libbin and Steinberg. **Max Sklar to handle.**

Regina Moore, representing the Miami Hispanic Ballet, spoke.  
Harold Rosen spoke.

**6:22:47 p.m.**

R7M A Resolution Establishing User Fees For Light Pole Banners, As Approved And Installed Pursuant To Section 82-411 Of The Miami Beach City Code By Establishing A Fifty Dollar (\$50.00) Processing Fee, As Well As A Per Pole Fee Of Fifty Dollars (\$50.00) For Commercial Event Producers, And Twenty-Five Dollars (\$25.00) For Non-Profit (501(C) 3) Event Producers; With Said Fees To Be Effective On October 1, 2007.  
(Tourism & Cultural Development)

**ACTION: Resolution No. 2007-26663 adopted.** Motion made by Vice-Mayor Bower; seconded by Commissioner Gross; Voice vote 4-0; Absent: Commissioners Góngora, Libbin and Steinberg. **Max Sklar to handle.**

**6:23:02 p.m.**

R7N Evaluation And Appraisal Report Of The City's Comprehensive Plan  
A Resolution Adopting The Evaluation And Appraisal Report (EAR) Of The Miami Beach Comprehensive Plan And Authorizing And Directing The City Administration To Transmit The Report To The State Of Florida Department Of Community Affairs And To All Other Required State And Local Governmental Review Agencies In Accordance With Section 163.3191, F.S. **5:00 p.m. Second Reading, Public Hearing.**

(Planning Department)  
(First Reading on September 5, 2007)

**ACTION: Title of the resolution read into the record. Public hearing held. Resolution No. 2007-26664 adopted.** Motion made by Vice-Mayor Bower; seconded by Commissioner Gross; Voice vote 4-0; Absent: Commissioners Góngora, Libbin and Steinberg. **Jorge Gomez to handle.**

Handout or Reference Materials:

1. Ad in The Miami Herald – Ad # 450

### **R9 - New Business and Commission Requests**

**6:24:38 p.m.**

R9A Discussion Regarding The Possible Settlement Of Frederica E. Breaux, As Administratrix Of The Estate Of Zachary Charles Breaux, Deceased Vs. City Of Miami Beach, Et. Al. Eleventh Judicial Circuit, General Jurisdiction, Case No. 99-3808 CA 27 And Rabbi Israel Poleyeff, As Personal Representative Of The Estate Of Eugenie Poleyeff, Deceased, Vs. Sevilla Beach Hotel Corporation, Et. Al. Eleventh Judicial Circuit, General Jurisdiction, Case No. 99-04209 CA 13.  
(City Attorney's Office)

**ACTION: Discussion Held. . Resolution No. 2007-26665 adopted.** Motion made by Vice-Mayor Bower to approve the settlement agreement; seconded by Commissioner Cruz; Voice vote 4-0; Absent: Commissioners Góngora, Libbin and Steinberg. **Legal Department to handle.**

Jose Smith, City Attorney, stated that earlier today there was an Attorney/Client session regarding these cases, which involve multiple claims for wrongful deaths which arose from double drowning at the 29<sup>th</sup> street beach in 1997. In his opinion, the potential exposure to the City on these claims could very well exceed, on the Breaux case, \$5 million, and on the Poleyeff, \$1 million. Under the proposed settlement agreement the City will pay the statutory cap of \$100,000 per claim to be distributed among the different beneficiaries of those estates. In addition, the City will assign any rights that they may have against an insurance company that provided coverage to a concessionaire that was doing business at the 29<sup>th</sup> street and if the plaintiffs prevail on the coverage issue the City will get back its payment of \$200,000. The legal department strongly recommends this settlement; it is a great deal.

Donald Papy, Assistant City Attorney; stated that the amount of the settlement will be \$40,000 for Poleyeff, and \$160,000 for Breaux.

Handout or Reference Material:

1. Settlement Agreement and Stipulation, Case No. 99-3808 CA 27 Frederica E. Breaux vs. the City of Miami Beach.

### **End of Regular Agenda**

**Miami Beach Redevelopment Agency**

**City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive  
September 26, 2007**

Chairman of the Board David Dermer	
Member of the Board Matti Herrera Bower	
Member of the Board Simon Cruz	
Member of the Board Michael Góngora	Absent
Member of the Board Saul Gross	
Member of the Board Jerry Libbin	Absent
Member of the Board Richard L. Steinberg	Absent

Executive Director Jorge M. Gonzalez  
Assistant Director Tim Hemstreet  
General Counsel Jose Smith  
Secretary Robert E. Parcher

**AGENDA****1. NEW BUSINESS****6:23:58 p.m.**

- A A Resolution Of The Chairman And Members Of The Miami Beach Redevelopment Agency Adopting And Appropriating The Operating Budget For The City Center Redevelopment Area And The Anchor Shops And Parking Garage For Fiscal Year 2007/08.

**ACTION: Resolution No. 551-2007 adopted.** Motion made by Vice-Mayor Bower; seconded by Commissioner Gross; Voice vote: 4-0; Absent: Commissioners Góngora, Libbin and Steinberg. Patricia Walker to appropriate funds. **Kent Bonde to handle.**

**5:42:03 p.m.**

- B A Resolution Of The Chairman And Members Of The Miami Beach Redevelopment Agency Adopting and Appropriating The Miami Beach Redevelopment Agency Capital Budget For Fiscal Year 2007/08 And Adopting The Capital Improvement Plan For Fiscal Years 2007/08-2011/12. Joint City Commission and Redevelopment Agency

**ACTION: Item heard in conjunction with item R7D. Resolution No. 552-2007 adopted.** Motion made by Commissioner Cruz; seconded by Commissioner Steinberg; Voice vote: 6-0; Absent: Commissioner Libbin. **Kent Bonde to handle.**

**End of RDA Agenda**

Meeting adjourned at 6:31:54 p.m.